

ITEM #9 DD 21905-01-01



MINIMUM BID: \$320,000

REGISTRATION FEE: \$7,500

REQUIRED DEPOSIT: 10% OF THE WINNING BID TO BE RECEIVED BY FEB. 14, 2007

DESCRIPTION:

LOCATION:	Broadway & Sweetwater Road
SIZE:	47,075 SF (appr. 20,000 SF is buildable)
SHAPE:	Irregular
TOPOGRAPHY:	Level/Slope
ZONING:	General Commercial (GC)
UTILITIES:	To Site
ACCESS:	Sweetwater Road
IMPROVEMENTS:	Retaining Wall/Vacant
OFF SITE IMPROVEMENTS:	Street
FINANCING:	None

State makes no warranty as to existing or future zoning or availability of utilities. Prospective bidders should confer with local planning officials to determine feasibility of any intended use of the property.

LIMITATIONS AND INSPECTION

The sales of these properties are subject to all matters of public record and any easements, claims of easements or reservations not of record.

The Department of Transportation does not assume any liability for any possible encumbrances on these properties. Such information as the Department of Transportation may have on this subject will be furnished upon request.

The State of California reserves the right to reject any and all offers and/or accepts any offer deemed to be in the best interest of the State. Prospective bidders should consult local title companies if more complete information regarding the title of the property is required.

Interested parties may, upon request, inspect the property and conduct core and soil samples.

Exhibit "A"

That portion of Lot 80 of Lemon Grove Park, in the City of Lemon Grove, County of San Diego, State of California, according to Map thereof No. 1303 filed in the office of the County Recorder of said County, January 17, 1911, as conveyed in grant deed to the State of California recorded June 30, 1994 as Document No. 1994-0413418 in the office of said Recorder.

Containing 47,075 square feet, more or less.

The herein described property is sold subject to existing public utilities, of record or not, as currently constructed therein.

Subject to special assessments, if any, restrictions, reservations, and easements of record.

RESERVING unto the State of California, its successors or assigns, for freeway purposes, an AERIAL EASEMENT and right of way to construct, replace, inspect, maintain, repair, operate or remove an overhead freeway bridge and highway, supporting columns and footings, including any all appurtenances thereto, over, under, upon and across the following described real property, together with all abutter's rights of access to and from above described property to the freeway viaduct upon, over and across that certain real property described as follows:

That portion of the above described parcel lying Northeasterly of the following described line:

COMMENCING at the Southwesterly corner of said portion of Lot 80, said point bears S.46°08'10"W. (N.45°37'30"E. per said Map), 523.53 feet from a one inch iron pipe with tag stamped "CALDOT" set on the Northeasterly prolongation of the Southeasterly line of said Lot 80; thence retracing along said line N.46°08'10"E, 24.95 feet to the POINT OF BEGINNING, thence (1) leaving said line N.38°33'13"W., 368.69 feet to the beginning of a 1,260.71 foot radius curve to the left; thence (2) Northwesterly along the arc of said curve 37.65 feet, through a central angle of 01°42'39" to the Northwesterly line of said Lot 80 and the POINT OF TERMINUS.

ALSO, RESERVING unto the State of California, its successors and assigns, a non-exclusive right of access to the aerial easement hereinabove described for the purpose of inspection, maintaining, retrofitting and repairing said freeway structures and for inspecting the uses made of the land under the aerial easement by way of such roads or passageways as may now or hereafter exist on first described property; provided, however, that State's exercise of such right of access shall not unreasonably interfere with Grantee's use of such roads or passageways.

It is understood that Grantee, its successors and assigns, lessees and licensees shall have all rights in and to the airspace at an elevation higher than a plane parallel with and 9 meters above the roadway surface of said freeway structure as originally constructed, provided, that the use of such space shall not interfere with the enjoyment, safety and compatibility of said aerial easement, provided further, that Grantee, its lessees and/or licensees shall first secure such encroachment permits as may be required by law, which permits shall not be unreasonably withheld.

ALSO it is understood that Grantee, its successors and assigns, shall have the general right to use and enjoy the area of land under the aerial easement hereinabove described. The general right to use and enjoy said land by Grantee, its successors and assigns, shall however, be subject to the following limitations and conditions:

1. No use may be made of the area of land under the aerial easement hereinabove described which would impair the full use and safety of said freeway structure, or would otherwise interfere with the free flow of traffic thereon or would unreasonably impair the maintenance thereof.
2. No use may be made of the area of land under said aerial easement hereinabove described for the manufacture or storage of flammable, volatile, explosive or corrosive substances, and such substances shall not be brought onto said land except in such quantities as are normally required for the maintenance operations of occupants of said land and except as may be transported by rail or pipelines. Installation of any pipelines carrying volatile substances shall have the written approval of the State as to the safety and compatibility with freeway purposes and such discretion shall not be exercised in a capricious or arbitrary manner. The use of any such substances shall be in conformance with all applicable code requirements.
3. No hazardous or unreasonably objectionable smoke, fumes, vapors, dust or odors shall be permitted, which would adversely affect the use or maintenance of said freeway or the traveling public thereon.
4. No building of combustible construction shall hereafter be constructed on the area of land under the aerial easement hereinabove described. The State shall be given the opportunity to review and approve plans for any construction within said aerial easement area 60 days prior to said construction. No buildings, no permanent structures, and no advertising displays, may be constructed within 2.5 meters of the undersides nor within 4.5 meters (measured horizontally) of the sides of said freeway structure without the express written approval of the State. The State shall have the discretion to determine whether such proposed construction will be inimical to or incompatible with the full enjoyment of the public rights in the freeway or against the public interest, but such discretion shall not be exercised in a capricious or arbitrary manner.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 6. Multiply all distances in the above descriptions by 1.000025 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature Horace M. Taynton

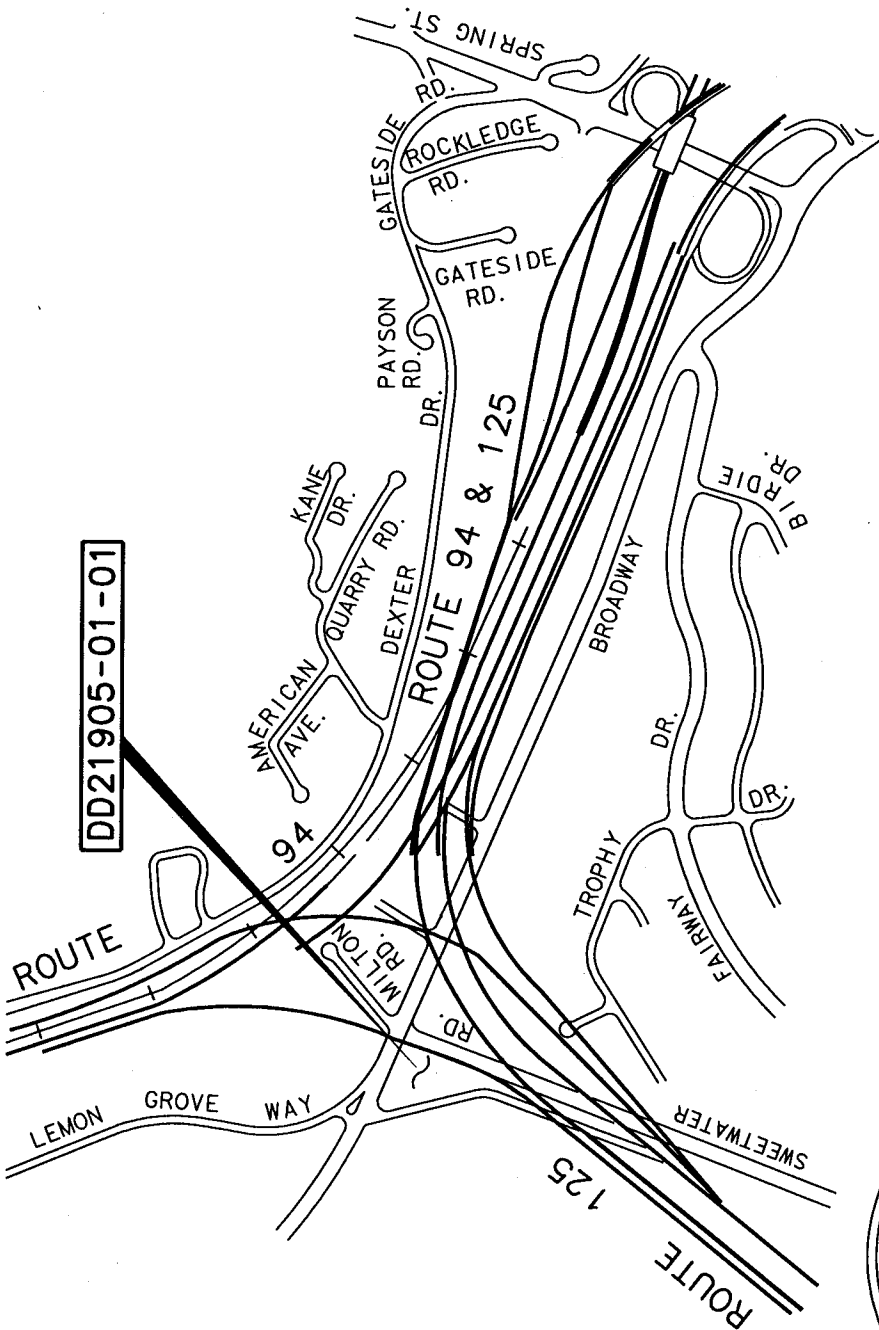
Date Dec. 14, 2005

AU F.W.

CK H.T.



CITY OF LEMON GROVE



KEY MAP

STATE OF CALIFORNIA
BUSINESS & TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
DISTRICT 11

EXCESS PARCEL MAP
DD21905-01-01

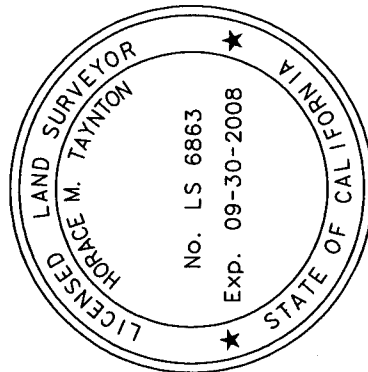
RIGHT OF WAY MAP NO.	ROUTE	POST MILES	SCALE
SD	125	14.3	NONE

SHEET 1 OF 2

This map has been prepared by me,
or under my direction, in conformance
with the Professional Land Surveyors' Act.

Signature Horace M. Taynton

Date Dec. 14, 2006



CITY OF LEMON GROVE LEMON GROVE PARK

MAP 1303

